

EXHIBIT A

**UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION**

HEARTLAND ORGANIC FOODS INC
AND EUGENE PAULSON ASSIGNEE

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF TRANSPORTATION,
FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION,
UNITED STATES OF AMERICA and JOHN and/or JANE
DOES yet to be determined.

*
* FREEDOM OF
*
* INFORMATION
*
* ACT REQUEST
*
* PURSUANT TO
*
* 5 USC
*
* SEC. 552
*

RE: NOTICE OF CLAIM BY FMCSA DATED JANUARY 18, 2005
CIVIL PENALTY: 2150.00
Case Number : SD-2005-0009-1-US0227

**SPECIAL APPEARANCE
JUDICIAL NOTICE
DEMAND FOR RIGHTS**

Comes now the accused in the above styled cause, appearing specially and not generally, providing Notice to this court and the Accused demands his constitutionally secured rights to defend himself and to also have competent, meaningful and effective *assistance of council*.

The accused has never waived his right to defend himself. The accused demand his right to preserve actual control over his case. This is the core of the *Faretta* right. *McKaskle v. wiggins*, 465 U.S. 168, 178 (1984).

The accused is not an attorney and does not intend to represent himself as an attorney. The accused intends to defend himself and also demands his Sixth Amendment right to *assistance of council*.

The accused has never waived his Sixth Amendment right to, *assistance of council*. and notices the court accordingly.

**NOTICE TO PRINCIPAL IS NOTICE TO AGENT
NOTICE TO AGENT IS NOTICE TO PRINCIPAL**

Dear Disclosure Officer:

1. This is a request under the Freedom of Information Act and/or Privacy Act, Title 5 U.S.C. § 552 and appropriate regulations thereunder. If this request is addressed to the improper party/parties, please forward to the proper party/parties immediately with a letter of acknowledgement of such forwarding to Requester.
2. Eugene Paulson, hereinafter Requester, makes this firm promise to pay fees and costs for locating, duplicating, and reviewing existing documents for information requested below.
3. If some or all of request is exempt from release, please send those portions reasonably segregated and provide Requester with indexing, itemization, and a detailed justification explaining why this information cannot be released to requester.
4. Requester understands the penalties for requesting or obtaining access to documents under false pretense.
5. Requester is requesting the following documents.

Whereas Heartland Organic Foods and its assignee Eugene Paulson (hereinafter Heartland or we) have made a decision to pursue the above titled action in the Federal Courts of the United States, we are compelled to Demand the following information pursuant to Title 5 USC section 552 (Hereinafter FOAI). The FMCSA has been mandated by congress in 49 USC 113 notes (7) Meaningful measures to improve safety must be implemented expeditiously to prevent increases in motor carrier crashes, injuries and fatalities.

(There is absolutely no scientifically sound research that the log books that supposedly control driver hours of service are anything more than a waste of time for everyone concerned. In fact the Werner experiment would prove just the opposite. Forcing log book rules on drivers has resulted in more accidents not less. Thus we have proved that use of them causes more accidents and the only way to prove that non-use would improve safety or at least not affect it would be ten years not using them at all.)
(Obviously meaningful measures to prevent increases in motor carrier crashes.)

We would therefore have to assume that any law or other authority authorizing or mandating their use is against the stated policy of the US Congress. Heartland would also assume that this charge, that has been leveled on us, has been done under the color of law and has no force or effect. The laws of this land allow for Jury Nullification of such rules and laws. The defendants were duped by fraudulent claims of authority by personnel of the Federal Motor Carrier Safety Administration (hereinafter FMCSA). It would appear that the US DOT and various State Agencies have used this color of law authority, to require the use of log books, as a revenue generator for nearly 70 years. We have searched the DOT's web site for some rational excuse for there existence and found none. The fruits of that search are contained in this document.

JURISDICTIONAL STATEMENT

**THE US DISTRICT COURT HAS JURISDICTION OF THIS ACTION
PURSUANT TO THE FOLLOWING STATUTES.**

Section 1331. Federal question

The district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

Section 1340. Internal revenue; customs duties

The district courts shall have original jurisdiction of any civil action arising under any Act of Congress providing for internal revenue, or revenue from imports or tonnage except matters within the jurisdiction of the Court of International Trade.

Section 1343. Civil rights and elective franchise

(a) The district courts shall have original jurisdiction of any civil action authorized by law to be commenced by any person:

(1) To recover damages for injury to his person or property, or because of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section 1985 of Title 42;

(2) To recover damages from any person who fails to prevent or to aid in preventing any wrongs mentioned in section 1985 of Title 42 which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United States;

(4) To recover damages or to secure equitable or other relief under any Act of Congress providing for the protection of civil rights, including the right to vote.

(b) For purposes of this section -

(1) the District of Columbia shall be considered to be a State; and

(2) any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Section 1346. United States as defendant

(a) The district courts shall have original jurisdiction, concurrent with the United States Court of Federal Claims, of:

(1) Any civil action against the United States for the recovery of any internal-revenue tax alleged to have been erroneously or illegally assessed or collected, or any penalty claimed to have been collected without authority or any sum alleged to have been excessive or in any manner wrongfully collected under the internal-revenue laws;

(2) Any other civil action or claim against the United States, not exceeding \$10,000 in amount, founded either upon the Constitution, or any Act of Congress, or any regulation of an executive department, or upon any express or implied contract with the United States, or for liquidated or unliquidated damages in cases not sounding in tort, except that the district courts shall not have jurisdiction of any civil action or claim against the United States founded upon any express or implied contract with the United States or for liquidated or unliquidated damages in cases not sounding in tort which are subject to sections 8(g)(1) and 10(a)(1) of the Contract Disputes Act of 1978. For the purpose of this paragraph, an express or implied contract with the Army and Air Force Exchange Service, Navy Exchanges, Marine Corps Exchanges, Coast Guard Exchanges, or Exchange Councils of the National Aeronautics and Space Administration shall be considered an express or implied contract with the United States.

(b)(1) Subject to the provisions of chapter 171 of this title, the district courts, together with the United States District Court for the District of the Canal Zone and the District Court of the Virgin Islands, shall have exclusive jurisdiction of civil actions on claims against the United States, for money damages, accruing on and after January 1, 1945, for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(2) No person convicted of a felony who is incarcerated while awaiting sentencing or while serving a sentence may bring a civil action against the United States or an agency, officer, or employee of the Government, for mental or emotional injury suffered while in custody without a prior showing of physical injury.

(c) The jurisdiction conferred by this section includes jurisdiction of any set-off, counterclaim, or other claim or demand whatever on the part of the United States against any plaintiff commencing an action under this section.

(d) The district courts shall not have jurisdiction under this section of any civil action or claim for a pension.

(e) The district courts shall have original jurisdiction of any civil action against the United States provided in section 6226, 6228(a), 7426, or 7428 (in the case of the United States district court for the District of Columbia) or section 7429 of the Internal Revenue Code of 1986.

(f) The district courts shall have exclusive original jurisdiction of civil actions under section 2409a to quiet title to an estate or interest in real property in which an interest is claimed by the United States.

(g) Subject to the provisions of chapter 179, the district courts of the United States shall have exclusive jurisdiction over any civil action commenced under section 453(2) of title 3, by a covered employee under chapter 5 of such title.

Section 1355. Fine, penalty or forfeiture

(a) The district courts shall have original jurisdiction, exclusive of the courts of the States, of any action or proceeding for the recovery or enforcement of any fine, penalty, or forfeiture, pecuniary or otherwise, incurred under any Act of Congress, except matters within the jurisdiction of the Court of International Trade under section 1582 of this title.

(b) (1) A forfeiture action or proceeding may be brought in -

(A) the district court for the district in which any of the acts or omissions giving rise to the forfeiture occurred, or

(B) any other district where venue for the forfeiture action or proceeding is specifically provided for in section 1395 of this title or any other statute.

(2) Whenever property subject to forfeiture under the laws of the United States is located in a foreign country, or has been detained or seized pursuant to legal process or competent authority of a foreign government, an action or proceeding for forfeiture may be brought as provided in paragraph (1), or in the United States District court (FOOTNOTE 1) for the District of Columbia.

(FOOTNOTE 1) So in original. Probably should be capitalized.

(c) In any case in which a final order disposing of property in a civil forfeiture action or proceeding is appealed, removal of the property by the prevailing party shall not deprive the court of jurisdiction. Upon motion of the appealing party, the district court or the court of appeals shall issue any order necessary to preserve the right of the appealing party to the full value of the property at issue, including a stay of the judgment of the district court pending appeal or requiring the prevailing party to post an appeal bond.

(d) Any court with jurisdiction over a forfeiture action pursuant to subsection (b) may issue and cause to be served in any other district such process as may be required to bring before the court the property that is the subject of the forfeiture action.

Section 1357. Injuries under Federal laws

The district courts shall have original jurisdiction of any civil action commenced by any person to recover damages for any injury to his person or property on account of any act done by him, under any Act of Congress, for the protection or collection of any of the revenues, or to enforce the right of citizens of the United States to vote in any State.

Section 1356. Seizures not within admiralty and maritime jurisdiction

The district courts shall have original jurisdiction, exclusive of the courts of the States, of any seizure under any law of the United States on land or upon waters not within admiralty and maritime jurisdiction, except matters within the jurisdiction of the Court of International Trade under section 1582 of this title

The Federal Motor Carrier Safety Administration (hereinafter FMCSA) have filed a notice of Final Order and demand for payment of fines imposed on us in the amount of 2150.00.

1. Said fines were assessed by Administration Decision and not by Judicial Review.
2. The fine was imposed on a carrier who has been in the business of a common Carrier, for approximately 10 years without a chargeable accident, according to administration guidelines, other than one in which the carrier was not at fault.
3. The fine was imposed for Log Book Violations by a rookie driver who had made the mistakes in the beginning of his driving career and a part time driver who was only employed for a short time.
4. Pursuant to 49 CFR 386.14 (e), a failure to reply to the notice of Claim within Fifteen (15) days causes the claim letter to become a Final Agency Order twenty five (25) days after it is served.
5. The claim then becomes an obligation to the FMCSA and becomes due immediately, **Completely ignoring the U S Constitutions guarantee of the right to due process. .**
6. 49 USC Section 13902 notes
Section (2) (A) Mexican motor carriers with three or fewer commercial vehicles need not undergo onsite compliance reviews. **This carrier operates two trucks.** Apparently US Carriers are not entitled to the same **consistent, effective and equitable** treatment as required under CFR 350.201 (10) as Mexican carriers of the same size receive.

In order for the carrier to obtain justice in the US District Court the following information is demanded from FMCSA Pursuant to the FOIA.

1. Log Books have been a stress factor in the transportation industry for nearly 70 years. The carrier has not been able to find any statistics that would support their use versus throwing them out the window.
(A) It is therefore imperative that any information that the agency has that would support the idea that a log book does anything for safety on the highway, for which the agency is supposedly responsible, is made available to the carrier.
2. Log Books and their use have cost the industry untold billions of dollars in lost time, useless labor to make certain they are done properly, stress and worry

caused to drivers and carriers due to the governments ability to take the food from their families mouth with fines for something that the government has no proof that it has any value. The government has made criminals out of the people who do the work in this country, who have families to feed and who are obviously too stupid to know whether they are tired or not without the use of a log book. If a man is going to drive a truck with the constant fear that the government is going to stop him for no other reason than to fine him for a log book violation he is obviously stupid.

(A) The Carrier hereby demands any proof that the FMCSA has that our highways have become safer than before the Log Book. In the event that has happened we would request any proof that it was due to the use of the log book and not improvement in our highways. Eugene Paulson has driven heavy trucks for nearly fifty years with out an accident and he remembers our highways of that time.

3. The FMCSA has statistics that show that approximately 87% of the accidents that involve heavy trucks and fatalities are not the trucks fault. There is also an element here that most people who have not spent a great deal of time out on the open road do not consider and that is that an unknown (I believe fairly large) percentage of those fatalities are suicides which skew the fatality part of that equation.

(A) We would respectfully request that the agency furnish us any information it may have as to the number of the remaining 13% of the accidents that could be prevented by Log Books and whether it feels that the perceived improvement would justify the governments violation of the drivers constitutional right to privacy.

4. Werner Enterprises have electronic log books in all of their over the road trucks and having talked with numerous drivers who work for them it is apparent that driving by a log book is not the kind of thing that works for most drivers. (Most truck drivers are human beings) I have heard the same complaint time after time and that is simply that I cannot drive when I am tired no matter what my log books says I should be able to do. Werner's safety record has suffered from the installation of those devices and it simply because no two people have the same need for rest. All of us have to rest when we are tired and drive when we are alert, no matter what the log book says. In my 50 odd years of driving trucks I have known people who could drive for 24 hours and still be alert and then there are people like myself who get tired after a short period at times and other times only after a much longer time. I can make as many miles as most anyone on the road in a day, but I can't do it by a log book. Most human beings can be considered alert for from 14 to 16 hours a day. Very few can do it when the log book says they should. In the last five years or so it seems like about 25% of the truck accidents that I have came across have been Werner Trucks. I know

that they have a lot of trucks but I also know that it is nowhere near 25% of the total trucks on the road.

(A) We would therefore request any proof that the FMCSA has that forcing Log Book compliance on Werner's drivers has improved their accident ratio. We would also like any proof that would indicate that the whole Werner experiment has been anything more than a multi million dollar fiasco and that it is not proof that Log Books are a menace rather than a god send. (See comments from OOIDA's submission in Response to an Advance Notice of Proposed Rulemaking Request for Comments by FMCA Docket No. FMCSA-2004-18940) (Appendix A,B, and C)

(1) According to statistics on FMCSA's web site there has been a gradual increase in the total number of truck registration since the statistics have been compiled. It is our understanding that large trucks for this study are the combination tractor trailer units.

<u>In 2002 there were a total of</u>	<u>5,650,619 light trucks</u>
	<u>2,276,661 large trucks</u>

(2) The average mile per unit has stayed nearly steady since 1994. In the year 2002 which was the slowest year for large trucks since 1990 and there was an unusual spurt in miles traveled by light trucks the average miles traveled per unit was

<u>13,430 miles for light trucks</u>
<u>60,898 miles for large trucks</u>

(3) The number of occupant fatalities has raised and lowered by almost the exact difference in the miles traveled for both categories. In 2002 there were total fatalities of 12,868

<u>12,184 for light trucks</u>
<u>684 for large trucks</u>

(4) The occupant fatality rate per 100,000,000 miles was

<u>1.2 for light trucks</u>
<u>.3 for large trucks</u>

(5) The fatal crash rate per 10,000 registered vehicles in 2002 was

<u>2.6 for light trucks</u>
<u>5.7 for large trucks</u>

In this category you must remember that the large trucks traveled more than 4 and 1/2 times as many miles as the light ones and are nearly twice as safe.

(6) Vehicle involvement in fatal crashes rate per 100,000,000 miles

<u>2.1 for light trucks</u>
<u>2.1 for large trucks</u>

It becomes obvious that large trucks are no more dangerous than light trucks to the general public and we believe that they tend to be on the roads when the weather etc. is less than ideal, more so than the Light trucks.

(7) Vehicle involvement per 10,000 registered units

2.6 for light trucks

5.7 for large trucks

(A) There seems to be some serious discrepancy in this item because we know that the large trucks traveled nearly 4 times as many miles per vehicle as the light ones.

(B) It is hard to understand item number 6 and 7 and we will need an explanation of those two from the FMCSA. We suspect that item number 6 is wrong and /or number 7 has been reversed.

The large tractor trailer rigs that keep us clothed and fed are the ones that the roving bands of modern highway robbers, hired by the FMCSA and the FMCSA itself, are targeting. Their own statistics show that if trucks need to be targeted they have the bulls eye on the wrong group. They also show that there has been basically no change in the accident or fatality rate in the years that they have statistics for. The little bit of change is far more likely to be a product of better highways and far better equipment than Log Books. Eugene Paulson can also remember the equipment that we had 50 years ago.

The light truck group is the one that does not waste its time with the log book regulation but it is also the group that contend with the worst traffic conditions. Forcing Log Books on them would simply waste a half hour a day of their time also. Not to mention the administrative burden and expense put on those companies for nothing. There is also another very serious issue here and that is that the severe shortage of good drivers has caused the light truck operators to really have to scrape the bottom of the barrel. I believe that there is no way that will change as long as the government constantly harasses drivers on the highways like they do. Nobody wants to live looking over their shoulder with the fear of robbery on their mind. It is a very real concern and I know, stemming from a lifetime of observation, (50 years) that it is the small carriers who take the most of this harassment.

5. Under provision of CFR 350.201 (10) the states are required to insure that violation fines imposed and collected by the state are consistent, effective, and equitable. We would assume that if the states have to comply with that CFR in order to obtain the funding doled out by the FMCSA, that the FMCSA is bound by that issue also. In the interest of deciding whether that issue is being complied with by FMCSA we hereby demand

A. The names of all companies that have been fined as we have for offenses against the FMCSA rules during the last ten years

B. Information as to the average gross revenues of the carriers affected by said FMCSA actions compared to the average gross revenue's of all carriers. The gross revenues are a pretty good indication of the amount of exposure that the public, which the FMCSA is supposedly protecting, has to the individual carrier.

C. To know the total amount of fines collected by the FMCSA in each of the last ten years. What percentage of there total budget, those fines represent. An explanation of the progress in there stated mission, those fines have accomplished.

D. Any operation manuals that the FMCSA has or uses in controlling the administration of the agency and in there agent training and enforcement policies.

E. A comparison of number of inspection's, by FMCSA inspectors, including state inspectors funded by the FMCSA, on a per mile basis, of our company versus the average number of inspections on a per mile basis of the average carrier and also of the largest 10% of FMCSA carriers.

F. To know why our drivers have been stopped and criminally interrogated at every state scale they have encountered since the FMCSA inspection of our company and we must know who those State Scale people work for. Are they STATE or FEDERAL employees? It is quite obvious that they have been instructed by the FMCSA, through their computer system, to stop us every time we cross one of their scales. That definitely indicates FEDERAL control.

49 USC Sec. 13102

In this part the following definitions will apply:

(5) Control. The term "control", when referred to as a relationship between persons, includes actual control, legal control, and the power to exercise control, through or by-

(A) common directors, officers stockholders, a voting trust, or a holding or investment company, or-

(B) by any other means

G. Explanation as to why if they receive 80% of their support from the FMCSA, as indicated in the CFR, that they are not FEDERAL EMPLOYEES. If they are FEDERAL EMPLOYEES then how does a STATE COURT have jurisdiction to levy fines on people ticketed by them or if they are FEDERAL EMPLOYEES how do they acquire jurisdiction over STATE citizens

H. Explanation as to why, if they are STATE EMPLOYEES, they are allowed to routinely violate the interstate commerce clause of the constitution.

It is the carriers understanding that people engaged in interstate commercial travel have contracted for the use of the highways and do not have the same right to travel as individual citizens. That there right is a matter of contract with the Federal Government..

We believe that the FMCSA is in breach of any contract we may have had with it either implied or actual by lack of compliance of it's mandate by the US Congress as per 49 USC Section 113 notes

FINDINGS

(3) The Department of Transportation is failing to meet statutorily mandated deadlines for completing rulemaking proceedings, including driver hours-of-service regulations, extensive periods have elapsed without progress toward resolution or implementation.

(7) Meaningful measures to improve safety must be implemented expeditiously to prevent increases in motor carrier crashes, injuries and fatalities. (There is absolutely no scientifically sound research that the log books that supposedly control driver hours of service are anything more than a waste of time for everyone concerned. In fact the Werner experiment would prove just the opposite. Forcing log book rules on drivers has resulted in more accidents not less. Thus we have proved that use of them causes more accidents and the only way to prove that non-use would improve safety or at least not affect it would be ten years not using them at all.)

As far as we can understand, from the statistics that are available, the FMCSA has made practically no progress in any facet of there so called safety mission.

We believe that there has not been any demonstratable progress in any area that would not indicate they are on an impossible mission.

REMOVAL OF ALL OF THE SMALL TRUCKING COMPANIES WILL NOT CHANGE THAT.

The congress seems willing to allow them to violate truck drivers and trucking companies' rights in the disguise of making our highways safer.

We would suggest that it is evident that the people of this nation cannot get along without trucks so the public has to learn how to share the road with them.

Constant harassment of the larger trucks(tractor trailer units) and trucking companies by the government has not , and will not accomplish that.

We are not politicians or bureaucrats but any business that failed like this would be out of business and we would suggest that is what should happen to this group.

CONGRESS NEEDS TO SPEND THE MONEY THAT THEY SEEM, DETERMINED TO SPEND, ON IMPROVEMENTS TO OUR HIGHWAYS. YOU CANNOT LEGISLATE SAFER DRIVERS.

**YOU CANNOT STOP ALL ACCIDENTS WITH FINES AND PENALTIES
AND WE CAN FIND NO EVIDENCE THAT THEY HAVE BEEN ABLE TO STOP
ANY OF THEM.**

**WE WOULD WELCOME ANY RESPONSE, FROM THE
FMCSA, THAT WOULD DISPROVE OUR OPINION.**

**(Obviously meaningful measures to prevent increases in motor carrier
crashes.)**

PURPOSES

(2) To reduce the number and severity of large-truck involved crashes through more commercial motor vehicle and operator inspections and motor carrier compliance reviews, stronger enforcement measures against violators, expedited completion of rulemaking proceedings, **scientifically sound research**, and effective commercial drivers license testing, record keeping and sanctions.

In our opinion the above sections must have been written by a railroad executive. If not then it had to be someone who hadn't bothered to study the statistics available or didn't want to know the truth. The entire section seems to run absolutely contrary to the bold and underlined phrase. We suggest that you take a look at the above cited statistics, which we have taken from the Department of Transportation's own studies, which is the only **scientifically sound research we have been able to turn up. Their own statistics prove that large trucks, as they and this section elect to call them, are already the safest segment of the transportation in this country. We are not sure whether over the road buses are included in these statistics but we would guess that they compare favorably.**

If you have a group of motor vehicles that are 10 times the size of the rest of the vehicles on the road, as are the tractor trailer trucks of this country, which makes them far harder to maneuver in traffic and a far bigger target for other drivers.. A group that travel our roads in all kinds of weather so we can have fuel, food and clothing at a non-stop pace and still have a 13% chargeable accident rate. We believe that they should be commended and I do not believe all the money and harassment you can throw at that group could possibly **change that percentage enough** to justify the Gestapo tactics that are being used on them today. What would probably do more good, **if it is possible to improve the numbers**, would be government recognition of this amazing achievement. Another thing that should be done is education of the public so they understand the problems of the truck drivers, instead of just treating them all like common criminals. When the law treats a group of people like crooks the public naturally assumes they are. You will never create a group of professionals in the industry that we had 30 years ago as long as the people involved in the industry are made out to be criminals. Very few honest people want to be in an industry where they know they will be looked on as scum by both the law and the public.

The fact is the trucking industry is one of the few industries in our society we cannot live 30 days without. We must bring back the respect to these people that they once had and clearly deserve.

The FMCSA has a report out titled Traffic Safety Facts 2002 (large trucks) DOT HS 809 608.

We believe that this report is purposefully targeted on the tractor trailer trucks of this country in an effort to justify the FMCSA'S so called motor carrier safety programs existence. We have to assume that the fines and penalties assed by this program are a major part of their funding and we expect that this FOIA request will prove that to be true.

It lumps all large trucks (10,000 pounds and over) into one category). There own research indicates that large trucks for this study include about 28.75% tractor trailer units effected by the hours of service (log Book) regulations AND OTHER ROADSIDE HARASMENT. About 71.25 % are other trucks over 10,000 pounds.

Their own research also shows that their are more fatal crashes involving the tractor trailer trucks per 10,000 registered vehicles by a little over 2 times but they travel about 4 times as far which creates an exact opposite result than they are apparently trying to picture. See A (5) AND A (2).

This report, in paragraph 2, states that large trucks (28.75% tractor trucks and 71.25% other trucks over 10,000 pounds) account for 4% of all registered vehicles and 7% of the total vehicle miles traveled. **We have some grave doubts about the last figure, being aware of the miles traveled by the average tractor trailer compared to the average passenger car** It also states that large trucks accounted for 8% of all vehicles involved in fatal crashes and 4 percent of all vehicles involved in injury and property damage only crashes. We believe that if large trucks (all trucks over 10,000 pounds) travel 7% of the total miles and are involved in 4% of the injury and property damage only crashes they are obviously far safer than other vehicles on the road and should be commended rather than persecuted. We have been unable to understand the relevance of the 8% involved in fatal crashes figure. The fact that they are about four times as long as the average passenger car gives them a four times greater chance of being hit and the fact that they are probably 10 times as heavy means that if you are fool enough to hit one you are a lot more apt to get hurt. **Large letters in the left margin of Traffic Safety facts 2002 proclaim that "One out of nine traffic fatalities in 2002 resulted from a collision involving a large truck."** The FMCSA statistics that indicate that large trucks (any truck over 10,000 pounds) are only responsible for 13% of all fatal crashes which they are involved in, tells us that there a lot of fools out there. If you do not believe that, hitch a ride with some over the road truck for a week some time. That is if you can get permission from the FMCSA

In large letters in the left margin of this report the NHTSA has cited statistics that further their cause. **"In 2002, large trucks were nearly 2.5 times as likely as other vehicles to be struck in the rear in two-vehicle fatal crashes."** If you are driving your passenger car and are struck in the rear, it is normally not your fault. Given the fact that large trucks require more time to come to a complete stop, this would indicate suicide and definitely not fault of trucks. Statistics are a method of obtaining facts and as a tool to

make sound judgments. It is time that the FMCSA used them for that and not as a tool to justify their existence. It would appear that they must be ordered to do that.

Eugene has been out on the road, off and on for nearly 50 years, and he has come to realize, that hitting a semi truck is the one sure way to be able to collect on your life insurance policy. Probably not quite as sure as a train but pretty sure. It is also evident that the State and Federal government has come to view trucks as a cash cow to finance there constant need to harass the general public.

We believe that this is another issue that needs to be considered here if the government is going to continue this unwarranted persecution of trucking companies and drivers.

Dared this 4th day of March, 2005

Eugene Paulson
Assignee to heartland Organic Foods claim
10454 1st ST
Rosholt, South Dakota 57260
605-537-4220

AFFIDAVIT

State of South Dakota) SS
County of Roberts)

I, Eugene Paulson, hereinafter Affiant, swear to or affirm by firsthand knowledge under penalty of perjury under the laws of the United States of America, that this Affiant is requesting information under the Freedom of Information Act pursuant to Affiant's FMCSA Case Number : SD-2005-0009-1-US0227

Further Affiant seethe naught.

Eugene Paulson

State of South Dakota)
SS
County of Roberts)

Before me, the undersigned authority, on this day personally appeared, Eugene Paulson or proved to be the person whose name is subscribed to in the foregoing instrument, and

acknowledged to me that he/she executed the same for the purposes and consideration therein expressed.

.Given under my hand and seal and executed on this ____ day of _____, 2003.

Notary Public South Dakota
My commission expires _____

CERTIFICATE OF SERVICE

The undersigned Eugene Paulson hereby certifies that a true and correct copy of the above FOIA request, along with copies of request from Pennsylvania RTKL officer and copies of Pennsylvania citations were deposited in the U.S. Mail, postage prepaid to the below named interested parties.

Dated this 11th Day of March, 2004.

Eugene Paulson
Assignee to Heartland Organic Foods claim
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605-537-4220

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